

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ZINDY CARTER,

Plaintiff,

vs.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant

Civil No. C06-5495RBL

ORDER FOR REMAND

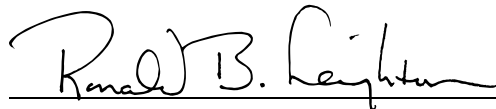
Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision in regard to Plaintiff's applications for SSI under Title XVI and for disability insurance benefits under Title II of the Social Security Act be REVERSED and REMANDED to the Commissioner of Social Security for further administrative proceedings. On remand, the ALJ will: hold a de novo hearing, reevaluate the evidence, further consider the opinion of Dr. Deutsch and explain the weight assigned to his opinion. The ALJ should address claimant's asthma and medical opinions regarding her asthma and determine whether claimant's asthma is aggravated by failure to follow prescribed treatment. The ALJ should give specific and legitimate reasons for rejecting any part of Dr. Deutsch's opinion. The ALJ should reassess claimant's RFC and obtain vocational expert

1 testimony. If the ALJ finds the claimant is disabled, the ALJ should determine whether drug
2 addiction is a contributing factor to a finding of disability.

3 The parties stipulate that this remand be made pursuant to sentence four of 42 U.S.C.
4 § 405(g), and that Plaintiff will be entitled to reasonable attorney fees and costs pursuant to
5 28 U.S.C. § 2412(d), upon proper request to this Court.

7 Judgment is for the Plaintiff and the file shall be closed

8 DATED this 15th day of March, 2007.

13
14 

15 RONALD B. LEIGHTON

16 UNITED STATES DISTRICT JUDGE

17 Recommended for Entry:

18 /s/ J. Kelley Arnold

19 UNITED STATES MAGISTRATE JUDGE

20 Presented by:

21 s/ JOHANNA VANDERLEE WSB # 19178
22 Special Assistant U.S. Attorney
23 Office of the General Counsel
24 701 Fifth Avenue, Suite 2900 MS/901
25 Seattle, Washington 98104-7075
26 Telephone: (206) 615-3858
27 FAX: (206) 615-2531
28 johanna.vanderlee@ssa.gov